



SIGNED THIS 7th day of November, 2023

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Rebecca B. Connely

Rebecca B. Connely
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA**

In re:)
)
TOMMY DEWAYNE DOBSON) Chapter 11
ANNE CHRISTINE DOBSON,) Case No. 23-60148
91 Beaver Dam Court)
Keswick, VA 22947)
xxx-xx-7152)
xxx-xx-6517)
)
Debtors.)
)
)
TOMMY DEWAYNE DOBSON)
ANNE CHRISTINE DOBSON,)
)
Debtors/Objecting Party,)
)
v.)
)
ROY WHITLEY)
and)
MARY WHITLEY,)
)
Claimants/Respondents.)
)

**ORDER SUSTAINING OBJECTION TO
PRIORITY PORTION OF CLAIM NO. 31**

The matter before the Court is the objection filed on October 2, 2023 [Docket No. 156] (the “Objection”), by Tommy Dewayne Dobson and Anne Christine Dobson, the debtors and

debtors-in-possession (the “Debtors”), in the above captioned case, requesting entry of an order disallowing the priority portion of the Proof of Claim No. 31 (the “Claim”) filed by Roy and Mary Whitley (the “Claimants”) and the Claimants’ response to the Objection filed October 20, 2023 [Docket No. 165] (the “Response”).

At the hearing on November 2, 2023, the Debtors appeared by counsel and presented and argued their Objection to the Court. The Claimants did not attend the hearing. The Subchapter V Trustee appeared at the hearing and argued in support of the Objection. The Court having heard the arguments of Debtors’ counsel and the Subchapter V Trustee and having reviewed the Objection, the Response, and the record before it, found that the Debtors satisfied their burden to rebut the presumptive validity of the priority status of the Claim. The burden of proof having shifted to the Claimants, the Claimants failed to prove that the Claimants were entitled to the priority status asserted by the Claimants in the Claim.

Upon the Courts review of the Objection, the Response, the arguments of Debtors’ counsel and the Subchapter V Trustee, and the record in the case, it is

ORDERED, ADJUDGED and DECREED that:

1. The Objection is SUSTAINED, and the priority portion of the Proof of Claim No. 31 is disallowed.
2. The relief granted by this Order is limited to the relief sought in the Objection and is without prejudice to rights of any party in interest in this Case to seek further relief from the Court regarding Proof of Claim No. 31.

End of Order

I ASK FOR THIS:

/s/ David Cox
David Cox (VSB #38670)
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SEEN AND AGREED:

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Subchapter V 11 Trustee